11: Hourani S-4 (no date) 1946 MD1 Syria MD1

might arise; in default of an agreement, it would take appropriate measures to maintain order and to guarantee peace. The Mandatory Power desired to favour and hasten the political evolution of the States under its protection, and to promote their economic development. As for the 'Common Interests', the High Commissioner would continue to administer them with the active and ever-increasing assistance of the representatives of the States.[1]

A few months later, in February, 1928, M. Ponsot judged that the time had come for the election of a Constituent Assembly. In that month the state of siege declared at the beginning of the revolt was finally raised, the censorship suppressed, the special tribunals established during the revolt abolished, and a general amnesty issued. At the same time Damad Ahmad Nami's Ministry was replaced by a new provisional Government of 'moderate' politicians presided over by Shaikh Taj ad-Din al-Hasani, with the task of preparing the way for the creation of regular institutions to which it could hand over its functions.

The elections were held in April of the same year. In the towns, most of those elected belonged to the more uncompromising section of the nationalists, the opponents of Shaikh Taj ad-Din's Ministry; in the countryside, however, they were mainly moderates. Of the seventy members of the Assembly, over two-thirds supported the Government, but owing to their lack of cohesion and the decision of the Government not to intervene in the proceedings, it was the so-called 'extreme' nationalists who dominated the discussions. They were the more powerful in that they had recovered from the confusion caused by the collapse of the revolt, and had succeeded once more in organizing themselves in a party, the 'National Bloc'. In so far as it had a founder he was Ibrahim Hananu, an Aleppine and a man respected even by his opponents. The Bloc was not a unitary party so much as a working alliance of individuals and groups. It included leading members of important landowning families, like Jamil Mardam Bey from Damascus, Saadullah al-Jabiri from Aleppo, and Hashim al-Atasi, the President of the Bloc. It included also individuals important rather for character and intellect than for representing large sections of opinion, like Faris al-Khuri, a Protestant lawyer, law-teacher and financier. It

[1] For text, see *Orients Modernes*, September, 1927, pp. 409–11.

was supported by several groups which preserved something of their individuality inside the alliance. The most important of them was the 'Istiqeal' group, descended from one of the secret societies of the years before 1914. It advocated the complete independence of the Arab countries and tended to be more uncompromising than the other constituent elements of the Bloc. Its leader was Shukri al-Quwatli. Among its other prominent members were Nabih al-Azmah, the Amir Adil Arslan, and Riyadh as-Sulh, perhaps the most important Arab nationalist leader in Lebanon.

One of the most prominent of the members of the Bloc, Hashim al-Atasi, was elected President of the Assembly when it met in Damascus in June, 1928; while Ibrahim Hananu became President of the Commission set up to draft the Constitution. The Commission completed its work by August, and laid its draft before the Assembly. The Constitution which it had drawn up was modelled on those of Western democratic countries, and provided for the exercise of legislative powers by a single Chamber elected by universal suffrage, and of executive powers by an elected President and a responsible Ministry. In addition it contained guarantees for the rights of individuals and communities. Thus Article 6 stipulated that all Syrians should be equal before the law, and there should be no inequality of treatment on grounds of religion, sect, race or language. Article 15 guaranteed liberty of conscience, the free exercise of all forms of worship, and the safeguarding of the religious interests and personal status of every sect. Article 28 guaranteed the rights of the religious communities, including their right to establish schools, teaching in their own language, subject to the principles laid down by law; and Article 37 declared that the electoral law to be issued subsequently would provide for the representation of religious minorities. (This provision was carried out. Each Parliament elected since 1930 has contained a number of representatives of the minorities, roughly proportionate to their size.)

In general the draft was acceptable to the High Commissioner, but there were certain articles to the inclusion of which he objected. Thus Article 2 declared that the Syrian territories detached from the Ottoman Empire constituted an indivisible political unity, which was unaffected by the divisions which had arisen between the end of the war and the

present time. This was a denial of the separate existence of Jebel Druze, the Alawi district, the Lebanese Republic, Palestine and Transjordan; and M. Ponsot judged it to be irreconcilable both with France's international obligations and with the existing situation in fact and in law. Again, four other Articles asserted the right of the President of the Republic to grant pardons, conclude treaties, appoint representatives abroad and proclaim martial law (73, 74, 75 and 112); and Article 110 declared that the organization of the army would form the subject of a special law. These five Articles also the High Commissioner thought to be incompatible with the obligations of France. He therefore asked that the Articles concerned should be separated from the general body of the draft. The Assembly refused, and M. Ponsot thereupon adjourned it for three months in August, 1928, and for a further three in November. He made an alternative suggestion, that the Assembly should modify the wording of Article 2 and should retain the other offending articles but add to the draft a general reservation safeguarding France's international obligations. This also proved abortive, since he and the Assembly could not agree upon a text for the reservation.

In February, 1929, the work of the Assembly was prorogued *sine die*. During this period and throughout 1929 the split between the National Bloc and 'moderates' grew ever wider. The former, while remaining tranquil, demanded the negotiation of a Treaty to replace the Mandate; the latter continued to advocate a policy of co-operation with France, and attempted without much success to form an effective political organization. The High Commissioner found it impossible to reach an agreement with the nationalists on the constitutional question, while the 'moderates' were too weak and divided for their support to be of value to him; he therefore felt himself bound to give up the attempt to entrust to the Syrian people the responsibility for the elaboration of their own constitution. Accordingly he dissolved the Constituent Assembly in May, 1930, and on his own initiative issued a Constitution for the State of Syria. It was to come into force after the election of the members of a Chamber of Deputies, at a date to be fixed by the High Commissioner.

This Constitution was virtually the same as that drafted by the Assembly, except for such changes as were necessary to

11: Hourani S-4 (no date) 1946 MD1 Syria MD1

642 enable the Mandatory Power to carry out its obligations
648 under the Covenant. Thus Article 2 was modified, and stated merely that 'Syria forms an indivisible political unity'; and an additional article (116) was added to the effect that 'the provisions of the present Constitution are not, and cannot be, in opposition to the obligations undertaken by France in regard to Syria, particularly obligations towards the League of Nations. . . . So long as the international obligations of France in regard to Syria remain in force, any provisions of the present Constitution which are of a nature to affect those obligations will be applicable only under conditions to be determined by agreement between the French and Syrian Governments'.

Simultaneously a number of other decrees were promulgated. In addition to the Organic Laws for the Governments of Latakia and Jebel Druze, already mentioned, they included laws for the Sanjaq of Alexandretta, and for a Conference of Common Interests composed of Delegations from the States and Governments, and charged with the management of their common financial and economic affairs.[1]

12

646 The elections for the Chamber of Deputies took place in January, 1932, and the Chamber met in June. More than three-quarters of its members were 'moderates'. Only a quarter were 'extreme' nationalists demanding full and immediate independence; but as had happened in the Constituent Assembly, the minority soon showed itself to be the dominant element. Its hopes were raised and its case strengthened by the recent conclusion of an Anglo-Iraqi Treaty, the termination of the Mandate and the admission of Iraq into the League of Nations (1930-1932).

643 The first task of the Chamber was to choose the President
645 of the Republic. It elected Muhammad Ali al-Abid, son of
648 Izzat Pasha al-Abid who had been secretary to the Sultan Abdul-Hamid II. He entrusted the construction of a Cabinet to a prominent moderate, Haqqi al-Azm, who formed a Ministry of which half the members were 'moderates' and half 'extreme' nationalists. Negotiations were opened between the Ministry and the High Commissioner for the conclusion of a Franco-Syrian Treaty.

[1] For texts of these documents, see Dareste, *Les Constitutions Modernes*, V, pp. 676–98.

11: Hourani S-4 (no date) 1946 MDI Syria MD1

from the Mandatory Power to the Syrian Government being completed within four years.[1]

The Treaty was immediately laid before the Chamber. Its reception by the nationalists inside and outside the Chamber was so unfavourable as to make it clear that it had no chance of acceptance. Accordingly the High Commissioner suspended the sittings of the Chamber, withdrew from its cognizance the terms of the Treaty, and authorized the President of the Republic to govern provisionally by means of decree-laws. A year later, in November, 1934, he suspended the Chamber *sine die*. These acts aroused the resentment and indignation of the nationalists, but in general the country remained quiet, apart from local and ephemeral disturbances, throughout 1934 and 1935. In March, 1934, the Government of Haqqi al-Azm was replaced by that of Shaikh Taj ad-Din al-Hasani, which continued in office for practically two years.

13

Perhaps the most important development of the early 1930's was the growth of a number of political parties with a special appeal to the educated youth of the towns, and therefore of great significance in a country whose political circumstances gave peculiar weight to the actions of the young. Very different from one another in their doctrines and their aims, these parties were alike in that they endeavoured to establish a degree of organization and cohesion which older parties had not for the most part possessed ; alike, too, in that they tried to base their activities not upon gusts of feeling or some immediate objective, but upon systematic and reasoned doctrines. They expressed and attempted to direct the spirit of the youth of Beirut, Damascus, Aleppo and the other towns : a restless youth, discontented both with its foreign masters and with its own older generation, conscious of talents and ideas and cramped by lack of opportunity, drawn simultaneously towards and away from the West, eager and suspicious, hasty and thoughtful. Even when the youth-movements took a paramilitary form, that does not necessarily mean that they were Fascist ; they were merely endeavouring to satisfy certain human needs which in more fortunate

[1] For text, see Ministère des Affaires Etrangères, *Rapport à la Société des Nations sur la situation de la Syrie et du Liban, 1933* (Paris, 1934), pp. 189–95.

11: Hourani S-4 (no date) 1946 MD1 Syria MD1 Lebanon MD1

before 1914; and was it not ridiculous, as well as expensive, for so small a region to have so grandiose and complex a constitution?

As a further consequence, the movement of discontent with sectarianism was greatly strengthened, and many Lebanese, especially among the young, began to look for an alternative. At one extreme the 'Phalanges Libanaises', the party of Lebanese nationalism, received much support. So too did the 'Syrian National Party', with its doctrine of the total separation of Church and State; while the Arab Nationalists pointed to the failure of the constitutional system as a proof, if one were needed, that an independent Lebanon was too divided, artificial and unstable to exist by itself.

4

In Syria, the first steps towards the execution of the Treaty were taken immediately after the return of the Syrian delegation from Paris. Arrangements were made for the holding of Parliamentary elections; the Chamber was to consist of 86 members, 16 of them representing the religious minorities and 7 the Beduin tribes. The elections, which took place in November, 1936, resulted in an overwhelming majority for the candidates of the National Bloc; and when the Chamber met, on December 21st, its first important act was to choose Faris al-Khuri as its President, and its second to accept the resignation of Muhammad Ali al-Abid from the Presidency of the Republic and to elect Hashim al-Atasi in his place. The Ayyubi Ministry having resigned, the President entrusted the formation of a new one to Jamil Mardam Bey. All the members of his Ministry were drawn from the National Bloc.

This Ministry found no difficulty in securing the confidence of the Chamber, which unanimously approved the Treaty in December, 1936. It was formally signed by the High Commissioner and the members of the Ministry on December 22nd.

In the same month, after consultations with notables of the districts of Jebel Druze and Latakia, their annexation to the Syrian State was proclaimed. This proclamation was accompanied by special Statutes granting a measure of administrative autonomy to the two regions. Despite protests from separatist groups against the concept of a unitary Syria, the régime envisaged in these Statutes was inaugurated by the appointment in January, 1937, of two prominent members of the

722 been for the large programme of public works undertaken by the Ninth Army; they include the construction of a railway line between Haifa and Tripoli, the building of roads and the execution of schemes of irrigation.

15

648 After long hesitation, the Free French at last decided to
642 restore constitutional government. This step was made easier in Syria by the death of Shaikh Taj in January, 1943. A few days later M. Helleu, who was deputizing for General Catroux, absent in North Africa, announced that the General would authorize the re-establishment of the Constitution on his return to the Levant. In March, 1943, provisional Governments were established in both Syria and Lebanon in order to make the necessary arrangements for the elections; that in Syria was headed by Ata al-Ayyubi, that in Lebanon by Dr. Ayyub Tabit.

666 In Syria the arrangements were soon completed. It was
646 decided that the Chamber should consist of 124 deputies,
665 including a number of representatives of the minorities; and that the elections for it should be held in two stages. The primary elections were held on July 10th-11th, the secondary on July 26th. They resulted in an overwhelming majority for the National Bloc. The victory of the Bloc was more complete in Damascus than in Aleppo, where there was a split in the nationalist ranks.

643 On August 17th, 1943, the new Chamber met and elected
645 Shukri al-Quwatli President of the Republic and Faris al-Khuri President of the Chamber. A few days later a new Ministry took office, drawn almost wholly from the Bloc. It was constituted as follows:

Prime Minister	Saadullah al-Jabiri.
Minister for Foreign Affairs	Jamil Mardam Bey.
Minister of the Interior ..	Lutfi al-Haffar.
Minister of Finance ..	Khalid al-Azm.
Minister of Defence and Public Instruction ..	Nasuhi al-Bukhari.
Minister of Public Works and Supplies	Mazhar Raslan.
Minister of Justice ..	Abdur-Rahman al-Kayyali.
Minister of Agriculture and Commerce ..	Tawfiq Shamiyyah.

15: Khadduri S-4 (no date) 1951 MDl Syria MDl

Za'im was overthrown by his opponents on August 14, 1949, having remained in power only four and a half months. Colonel Sami al-Hinnawi, who led this second coup and executed Za'im, reversed the policy of friendly relations with the Saudi-Egyptian bloc and again opened negotiations with Iraq for a Syro-Iraqi union. Elections for a Constituent Assembly were held in November, but when the Assembly met on December 12 and was about to approve a project for union with Iraq, a third army move on December 14, led by Colonel Adib Shishakli, sealed the fate of unity with Iraq under a dual monarchy. Shishakli declared that the Army would no longer interfere in politics and that government by civilians would be maintained; but it remained clear that the Army would continue to resist any policy which ran counter to its wishes.

The Constituent Assembly elected Rushdi al-Kikhya, leader of the People's Party which won the elections, as its President, and Hashim al-Atasi, an old member of the Nationalist Party, as the temporary head of the State. On January 7, 1950, after a long cabinet crisis attributed to the intervention of the Army in politics, President Atasi took an oath of office and the Constituent Assembly gave temporary legislative and executive powers to the Government, subject to its control, until the promulgation of a Constitution. In the meantime a committee of 33 members, under the chairmanship of Nazim al-Qudsi, was appointed to prepare a draft constitution for the Assembly. The Committee began its meetings on January 4 and completed its work three months later. As its chairman stated in his report to the Assembly, the Committee made use of no less than fifteen European and Asiatic (including Arab) constitutions, and received proposals from individuals and organizations either directly or through the press.[22] The draft Constitution, consisting of 177 articles, was communicated to the President of the Assembly on April 15, 1950, but debate did not get underway until July 7. After prolonged discussion, first on the draft generally and then article by article, the Constitution was approved with considerable changes (including reduction to 166 articles) on September 5,

[22] See text of the Report in the *Official Gazette*, Vol. 32 (June 22, 1950), Appendix, pp. 1–2.

15: Khadduri S-4 (no date) 1951 MDI Syria MDI

by the Supreme Court on the accusation of such activity attributed to them.

Parliament is composed of one Chamber of Deputies (Majlis), elected on the basis of direct universal suffrage (including women) for a term of four years. It convenes from October 1 to December 31 and from March 1 to May 15, and each year elects its President on the basis of absolute majority. The Deputies represent the entire nation and not their own constituencies. As in the case of the Ministers, the Deputies are not permitted to exploit their positions in any business transaction with the Government. Legislation, other than financial bills, may be initiated by Parliament or by the President with the approval of the Cabinet; but financial bills which involve reduction of taxes or expenditures of funds must be proposed either by 20 members of Parliament or by the President with the approval of the Cabinet. Article 59 stipulates that Parliament "shall not cede its legislative powers." This article, it seems, was inserted to ensure that Parliament would not follow the example of the Constituent Assembly in delegating legislative, in addition to executive, powers to the Government and thus pave the way toward the realization of a dictatorial regime. If one-fourth of the members of Parliament object to the constitutionality of a bill before its promulgation, or if the President does so, then it is suspended until the Supreme Court passes a decision regarding its constitutionality. If the Supreme Court decides within 10 days that the bill is unconstitutional, it is returned to Parliament for reconsideration.

The judicial system is designed to be free from interference by any other governmental agency. "The honor, conscience, and integrity of the judges are guaranteed for the right and freedom of the people." (Article 105.) The judicial power is exercised by three types of courts: (1) the Supreme Court; (2) the Court of Cassation; (3) ordinary tribunals. The Supreme Court is composed of 7 members to be elected by Parliament from a list of 14 nominees chosen from among highly qualified judges. The members of the Supreme Court are elected for 5 years and are eligible for re-election. They are independent and cannot be discharged except by a decision of the Supreme Court itself.

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foundations for commercial and intellectual progress were less firmly established than in Lebanon, and the Muslim leaders of the political parties were given little opportunity to acquire the technique of government. The root of the trouble was that the French were opposed to self-government and tended to refuse office to nationalist political leaders, except for short, self-defeating periods. But though they failed to foster self-government, the French did much good in both Syria and Lebanon as engineers, doctors, educators, and archaeologists, and performed a valuable service in training at least a cadre of competent civil servants.

With the end of the French Mandate there emerged two sovereign and independent Republics with many mutual and some conflicting interests. For some years the rest of the world failed to distinguish between the two, and it is still possible to find educated persons who suppose that Beirut is the capital of Syria. Syria and Lebanon are, to some extent, mutually dependent or complementary, but they are distinct and their political development will be considered separately.

Government and Politics

(*a*) Syria

Under her constitution Syria is a Republic in which the legislative power is in the hands of a Chamber of Deputies numbering 114 members in 1949. The deputies are elected by direct suffrage granted to all men and to women of a certain educational standard. The representation of religious minorities is shown in the table on p. 466 above. The President of the Republic must be a Muslim and is elected for a term of five years by the Parliament; he nominates the Prime Minister who appoints his cabinet ministers. The Parliament is elected for four years but may be dissolved by the President. The constitution was suspended in 1952 by the military dictatorship and a new one on the Presidential model adopted in July 1953.

Damascus is the seat of government and there are ten provinces, each under a Governor who is assisted by a staff of civil servants representing most of the ministries. The provinces (*muhafaza*) are divided in *qazas*, each under a *qaimaqam*, who is a civil servant under the Ministry of Interior; the *qazas* are divided into *nahiyas* under *mudirs*. Within a *nahiya* may be several villages, each of which is rather loosely under the control of the *mukhtar* who may be elected by the village or appointed by the ministry. The judiciary are independent of the legislature and

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642 Art. 33. (1) Every Syrian has the right of access to public service, subject to the conditions laid down by the law.

(2) Appointment to public offices, either temporary or permanent, in the State, the departments attached to it and its municipalities shall be effected by public competition. The law shall determine the exceptions to this rule.

Art. 34. Islamic wakfs belong exclusively to Moslems; they constitute one of the public institutions of the State and enjoy financial and administrative independence. Their status shall be regulated by law.

Chapter III

The Legislative Power

642 646 Art. 35. The legislative power shall be exercised by the Chamber of Deputies. Elections for this Chamber shall be public, secret, direct, uniform and in conformity with the provisions of the Electoral Law.

Art. 36. The duration of the Chamber shall be for a period of four years beginning from the date of the decree declaring the final results of elections; this period shall not be extended except by law in a state of war.

Art. 37. Every deputy shall represent the whole of the nation and may not accept any restriction on his mandate; he shall discharge his responsibilities guided by the dictates of his honour and conscience.

Art. 38. Electors are Syrian men and women who have completed the eighteenth year of their age, who are listed in the civil census register and who have all other qualifications specified in the Electoral Law.

Art. 39. Any Syrian *(Souri)* may stand for election as a deputy if he qualifies as an elector; provided that he is educated, has completed his thirtieth year of age and has fulfilled all other conditions specified by the Electoral Law.

Art. 40. The Electoral Law shall include provisions to guarantee the following:

(1) The validity of elections.

(2) The right of candidates to take part in the supervision of the electoral procedure.

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(3) The punishment of those who interfere with the will of electors. 642 646

Art. 41. (1) General elections shall take place within sixty days preceding the expiration of the term of the Chamber; if elections are not completed when the term of the Chamber expires, or are delayed for some reason, the Chamber of Deputies shall continue to function until the new Chamber is elected. In all cases, the authority of the Chamber of Deputies shall remain effective until the final results of the general elections are declared.

(2) If the Chamber of Deputies is dissolved, general elections shall take place within sixty days from the date of the decree dissolving the Chamber.

If elections are not held accordingly, the dissolved Chamber shall regain its full constitutional authority and shall convene immediately as though it had never been dissolved.

(3) Should general elections be delayed beyond the specified date, the Chamber shall investigate the reasons and determine the responsibility for such delay.

Art. 42. (1) The Chamber of Deputies shall be invited by a decree to convene within twenty days beginning from the second day of elections. If the necessary decree inviting the Chamber to convene is not promulgated, the Chamber shall definitely meet on the twenty-first day.

(2) The Chamber shall elect at the first meeting, its president and the members of its Bureau.

Art. 43. (1) The Chamber of Deputies shall be considered as being in permanent session.

(2) The Chamber shall definitely convene from October first until the end of December, and from March first until the middle of May.

(3) The President of the Chamber shall fix dates of meetings outside these two periods either by a decision of his Bureau, or upon a written request from a quarter of the deputies or from the Government.

Art. 44. Deputies shall not be prosecuted by civil or criminal courts for stating facts, expressing opinions or for voting in public and secret sessions or in committees.

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642 646 Art. 45. Deputies shall enjoy immunity while the Chamber is meeting; they shall not be liable to criminal prosecution, nor shall a criminal sentence be enforced against them without the assent of the Assembly, except in the case of *flagrante delicto* and, in such a case, the Chamber of Deputies shall be promptly informed.

Art. 46. Before assuming his duty, every deputy shall take publicly in the presence of the Assembly the following oath:

> "I swear by Almighty God to be loyal to the Constitution, to defend it, to maintain the independence of the country, the freedoms, interest, wealth and dignity of the people. I also swear to observe the laws of the country, to discharge my parliamentary responsibility in honor, truthfulness and sincerity and to work for the achievement of the unity of the Arab countries."

Art. 47. The remuneration of members of the Chamber shall be determined by a law.

Art. 48. (1) No deputy shall exploit his parliamentary office in any work.

(2) Incompatibilities between the office of a deputy and other functions shall be determined by law.

Art. 49. In the event of a vacancy occurring for some reason, the seat shall be filled within two months, provided the remaining period for mandate of the Chamber is not less than six months. The new member's term of office shall terminate with the mandate of the legislature.

Art. 50. The Chamber of Deputies shall have the right to grant a general amnesty for crimes committed before the amnesty was proposed, provided an absolute majority of the members of the Chamber vote for it.

Art. 51. Treaties affecting the safety of the State or its public finances, commercial agreements and, in general, every other treaty entered into for more than one year, shall not come finally into force except after being adopted by the Chamber.

Art. 52. The Chamber shall have the right at all times to form committees, or to delegate one or more of its members for investigation of any matter; ministers and all officers of the State shall co-

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operate by testifying, submitting documents and giving statements that may be asked of them. 642 646

Art. 53. (1) Every year at the opening of the October session, the Chamber, under the Presidency of its oldest member and the two youngest members acting as Secretaries, shall proceed immediately to elect a President and the members of its Bureau in accordance with the Rules of Procedure of the Chamber.

(2) The President of the Chamber of Deputies shall be elected by an absolute majority of the total number of the Deputies. A relative majority shall be sufficient at the second ballot.

Art. 54. (1) The President shall maintain order inside the Parliament.

(2) The Parliament shall have a special guard obeying the orders of the President. No armed forces may enter the Assembly buildings, nor be posted in their neighborhood, except at the demand of the President.

Art. 55. (1) The meetings of the Assembly shall be public.

(2) The Assembly may, however, decide to hold secret meetings to discuss specific matters at the request of the Government or of ten of its members.

Art. 56. (1) The Assembly cannot meet unless an absolute majority of the members composing it are present.

(2) The Rules of Procedure shall determine the responsibility of any member who does not attend a meeting without a reasonable excuse.

Art. 57. (1) Voting in the Chamber shall be conducted in accordance with the rules of Procedure.

(2) Deputies may only vote if they are present at a meeting.

(3) Elections shall be decided by secret ballot.

(4) Decisions shall be taken by the majority of those present and voting, except where otherwise provided by the Constitution or the Rules of Procedure. Should the votes be equal, the proposal under discussion shall be rejected.

Art. 58. (1) The President of the Republic, with the approval of the Cabinet, and every deputy shall have the right to introduce bills.

(2) Financial bills proposing to abolish or decrease a tax, or remit a part of it, or involving appropriations from the State budget

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642 646 to a certain project, or proposing the floating of a loan, its guarantee or payment, may only be introduced by the President of the Republic with the approval of the Cabinet, or by twenty deputies or more.

Art. 59. The Chamber of Deputies shall never abandon its legislative power.

Art. 60. No bill which has been rejected by the Chamber may be reintroduced before the lapse of six months.

Art. 61. (1) If the Chamber of Deputies passes a bill, the President of the Republic shall promulgate it within fifteen days from the date thereof.

(2) However, if an absolute majority of the members of the Chamber vote that a bill is of an urgent nature, the President of the Republic shall promulgate it within the time prescribed in it; if he fails to do so, the President of the Chamber shall then promulgate it immediately.

Art. 62. (1) Within the time allowed for promulgation, the President of the Republic may return to the Chamber non-urgent bills for reconsideration. This shall be done in accordance with a decree issued by the Cabinet and giving the justification thereof.

(2) Should the Chamber confirm its former vote by an absolute majority of its members, the law shall be promulgated immediately.

Art. 63. (1) If a quarter of the Deputies object to a bill as unconstitutional prior to its promulgation, or if the President of the Republic sends it to the Supreme Court for the same reason, such a bill shall not be promulgated until the Supreme Court gives its decision within ten days. If the bill is urgent, the Supreme Court shall decide within three days.

(2) If the Supreme Court decides that it conflicts with the Constitution, it shall be returned to the Chamber for rectification.

(3) Should the Supreme Court refrain from giving its decision within the period fixed in this Article, the President of the Republic shall promulgate the law.

Art. 64 (1) The Cabinet shall be represented in the meetings of the Chamber either by the Prime Minister or by some of the Ministers.

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(2) The Prime Minister and the Ministers may attend meetings of the Chamber, may address the Chamber and may obtain assistance and benefit from the experience of the officials of the Government during the debates. 642 646

(3) Any minister shall attend the meetings of the Chamber when asked by its President to do so.

Art. 65. Any member of the Chamber is entitled to introduce an interpellation, or to submit questions to the Government and to obtain a reply within the period fixed by the Rules of Procedure.

Art. 66. (1) The Rules of Procedure shall determine for the Chamber the method for conducting discussions, debates, interpellations, interrogations, voting, the powers of the office and the committees and all other work of the Chamber.

(2) The Rules of Procedure shall have the power of a law and shall not be amended except in accordance with their own provisions.

Art. 67 (1) The Chamber shall not consider a motion of non-confidence against the Cabinet or any one of its members unless presented by fifteen deputies or more, and shall not be discussed except two days after its presentation.

(2) If the absolute majority of the total number of the Deputies adopt a motion of non-confidence, the entire Cabinet shall resign.

(3) A Minister against whom a vote of non-confidence has been adopted by the Chamber shall resign.

Art. 68. The Chamber shall choose a committee to consider and investigate all petitions submitted by an individual or a group of citizens. The committee shall inquire into every complaint and shall inform the petitioner accordingly.

CHAPTER IV

THE EXECUTIVE POWER

Art. 69. The Executive Power shall be vested, on behalf of the People, in the President of the Republic and the Cabinet, within the limits assigned by this Constitution. 642 643

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ELECTORAL LAW OF SYRIA[1]

Decree No. 17 of September 10, 1949

Chapter I

NUMBER OF DEPUTIES

Art. 1. The headquarters of each Muhafazat,[2] with every Nahiya and village under its jurisdiction, as well as every Qadha, shall form an electoral district.

Art. 2. The electoral district shall elect one deputy for every 30,000 Syrian inhabitants or for a fraction of population exceeding half that number.

An electoral district which does not contain 30,000 but not less than 15,000 shall elect one deputy.

The Qadha which does not contain 15,000 shall be joined to the nearest neighboring Qadha headquarters in the Muhafazat, or to the Muhafazat headquarters itself. These sections joined together shall then constitute one electoral district.

Art. 3. A number of parliamentary seats shall be assigned to non-Moslems in proportion to their number in each electoral district and as specified in the previous article.

Art. 4. Nomadic tribes shall be represented by six deputies. The "Special Consultative Council for Nomadic Tribes" shall elect these six deputies from its literate members.

[1] Arabic text in *Official Journal of the Syrian Republic*, no. 46, September 12, 1949, text through the courtesy of Mr. Faiz El-Khouri, Minister of Syria, Washington. English translation prepared by Dr. George J. Tomeh, Second Secretary to the Syrian Legation, upon request of the *Middle East Journal* (Washington), where it also appears (IV [October, 1950], 476-481). The Syrian electoral law of March 28, 1928, reproduced in the first edition of this volume (pp. 277-295), and its amendment of April 21, 1928 (*ibid.*, p. 295) were superseded by a new electoral law of May 21, 1947. The Arabic text of the law of 1947 is to be found in *Official Journal of the Syrian Republic*, no. 23, May 24, 1947. An English translation of substantial parts of the law of 1947 appears in *Yearbook on Human Rights for 1947*, United Nations, 1949, pp. 295-297.

[2] Syria has various administrative divisions and subdivisions; a *Muhafazat* (province) is governed by a *Muhafez*, a *Qadha* (district) by a *Qaimmaqam*, and a *Nahiya* (subdistrict) by a *Mudir*. Throughout this translation the Arabic terms will be used (*Translator's note*).

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Art. 5. The date for parliamentary elections shall be fixed by a decree upon the proposal of the Minister of the Interior and the approval of the cabinet. This decree ought to be published at least one month prior to the fixed date for elections.

Art. 6. At least twenty days before elections, a decree shall be issued, upon the proposal of the Minister of the Interior, and the approval of the cabinet, fixing the number of deputies for each electoral district and according to Articles 2 and 3 of this Law. This decree remains effective during the period of parliament.

Chapter II

Electors

Section I. Qualifications of the Elector

Art. 7. Every Syrian, male and female, who completes the 18th year of his or her age in the beginning of January of the year of elections, shall have the right of suffrage. Each person shall vote in the electoral district where he is listed in the census register, provided that he enjoys his civil and political rights and that he is not deprived of his electoral competence.

Moreover, women must have at least a certificate of primary education in order to be allowed to vote. Separate polling centers shall be established for women voters.

Art. 8. All persons deprived of their right to suffrage, according to Articles 63 and 66 of the Criminal Law, shall be prevented from voting.

Art. 9. The right of suffrage shall be suspended for the following persons:

(a) Those under inhibition who have not been released.

(b) The mentally ill, during their period of sickness.

(c) Those persons convicted according to Article 65 of the Criminal Law.

Art. 10. Officers, non-commissioned officers and soldiers in the army, the gendarmerie, the police, the forces of security and persons attached to any organization of a military nature in all ranks, shall refrain from voting.

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Section II. ELECTORAL REGISTERS

Art. 11. During the first half of January of each year, a "census committee" for each electoral district shall arrange an electoral register containing the names of electors at that district.

Art. 12. This committee shall be composed of:

(a) The director of municipality, or his deputy, as president.

(b) The officer of the census register, or the clerk of this office.

(c) A member to be delegated by the municipal council.

(d) A member to be delegated by the Qadha council.

Art. 13. In arranging the above-mentioned registers, the census committee shall base its work on the census register and can seek the assistance of the Mudirs, the bodies of elders, and any other person or body whose help is deemed necessary.

Art. 14. This committee shall put out, not later than the 15th of January, a unified register of electors containing their names, surnames and residence.

Art. 15. These registers must not include persons described in Articles 8, 9 and 10 of this Law.

Art. 16. The registers shall then be forwarded to the Muhafez or Qaimmaqam who will post them in public places (government buildings, places of worship, public circles, Nahiya seats and villages) and publish them till the 15th of January.

Art. 17. Any person whose name was omitted from the electoral list without justification, or because of an error occurring in his census register, has the right to ask that his name be listed or to object to the undue registration of any other person.

Art. 18. The petition of objection shall be submitted to the committee of inspection not later than the end of January.

This committee shall be formed in the headquarters of the Muhafazat with the Muhafez as chairman and the district attorney and the director of finance as two members; when formed in the headquarters of the Qadha, the Qaimmaqam shall act as chairman of the committee, and the justice of the peace and the director of finance as the two members.

Art. 19. The committee of inspection must decide on the petitions within five days of their submission to it; the decisions of the commit-

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tee can be appealed within three days to the court of the region. The court must, within five days, decide finally on the matter. Petitions of objections are exempt from all fees.

Art. 20. The committee of inspection shall put out final and comprehensive lists of all electors of an electoral district. These lists shall be published as specified in Article 16 of this Law.

Art. 21. Every Syrian whose name was omitted from the electoral lists has the right, within five days after the declaration and fixing of the date for elections, to request the justice of the peace to register his name.

The justice of the peace has to decide within five days at most whether to order the registration of the applicant or not, after checking on the qualifications mentioned in Article 7, and disqualifications mentioned in Articles 8, 9 and 10 of this Law.

Petitions and decisions shall be exempt from fees and stamps.

Chapter III

Candidacy for Parliament

Section I. Qualifications of Candidates

Art. 22. A candidate for parliament must fulfil the following conditions:

(a) He ought to have been a Syrian national for the last ten years at least.

(b) He must be a male elector listed in the electoral registers.

(c) He must have completed his 30th year of age at the beginning of January of the year of elections.

(d) He must have passed the fifth primary grade, or obtained a certificate of primary education, or completed a course of study equivalent to either of them.

(e) He must stand for elections in one electoral district only.

Art. 23. Government staff defined in the "basic law of officials" who receive their salaries from the Government treasury or from other public treasuries under its jurisdiction, cannot become candidates in the electoral district where they perform their functions, except after three months of their resignation from office.

If a government official stands for elections in another electoral district from where his office is and succeeds, he must cease to work.

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666 An interim official shall be appointed for the vacancy until the elec-
646 tion of the former official has been finally pronounced valid.

The elected official has then to choose, within five days of his election, either to remain in the government service or to become a deputy. If he chooses the latter, his right to his government office ceases to exist, and if not, he shall be returned to his office necessarily.

Art. 24. Under-Secretaries and directors-general of the various ministries, presidents, advisers, members and attorney-generals of the Higher Court of Appeal, the *conseil d'état*, the Auditing Board and directors of municipalities in every Qadha and Muhafazat cannot qualify for candidacy unless they resign from their offices three months prior to the publication of the decree fixing the date for elections.

Art. 25. It is not permissible to hold simultaneously a deputy seat and a public office in which the salary is paid from the government treasury or from municipalities. Exception, however, is made of the members of the teaching faculty of the Syrian University who do not have an administrative function in it.

Art. 26. A deputy shall be considered to have resigned from parliament if he accepts an office in the government.

It is, however, possible to delegate a deputy to an unclassified, temporary foreign mission for a period not exceeding six months, and not renewable.

Section II. PROCEDURE FOR CANDIDACY

Art. 27. A candidate ought to submit a written declaration to the Muhafez or Qaimmaqam within five days of the publication of the decree fixing the number of deputies and get a temporary receipt of acknowledgement for it.

The Muhafez or the Qaimmaqam ought to ascertain that the applying candidate fulfils the conditions for candidacy mentioned in Article 22.

Thereupon, the candidate shall get, within five days at the most, a final receipt of acknowledgement in which the day and hour of his application are to be mentioned.

If the Muhafez or the Qaimmaqam refrain from giving such a receipt within the specified period, the candidate has the right to

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object by petition—exempt from fees—to the highest court in the Muhafazat or Qadha headquarters and to the First Court of Appeal in the capital. The court must render a final judgement on such objections within five days.

Art. 28. Every elector has the right to object on the validity of candidacy. These objections cannot be submitted except to a special appellate court described in Article 53 of this Law, which has the right to decide finally on cases arising from the election of deputies.

Section III. CAMPAIGN LITERATURE

Art. 29. An officially acknowledged candidate can issue pamphlets announcing candidacy, explaining his aims, plans and everything that concerns the program of his work. All such pamphlets are to be signed by the candidate, and three copies of each ought to be submitted to the Muhafez or Qaimmaqam.

Political parties and organizations can issue such publications provided they are duly signed by their legal representatives.

Art. 30. Announcements, writings, pictures and photographs of sort for propaganda purposes during the electoral campaign annot be posted on the walls of public or private buildings. Persons who violate these instructions shall be prosecuted according to Article 737 of the Criminal Law.

Art. 31. Campaign literature shall be exempt from stamps.

CHAPTER IV

PROCEDURE FOR ELECTIONS

Art. 32. Deputies shall be elected directly by the people and by a secret ballot.

Art. 33. Quarters in cities and towns, and Nahiyas in Qadhas shall be considered polling centers, provided the number of electors in each center does not exceed 1,000. If a polling center contains more than 1,000, it should be divided provided the number of electors in each is not less than 500. If one village or more contain less than 500 electors, and if the distance between these villages and the nearest polling center exceeds fifty kilometers, the Minister of the Interior can establish in them a separate polling center.

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666 The Muhafez and the Qaimmaqam shall issue in their respective
646 headquarters, and within fifteen days at least before elections, decrees designating the polling centers and containing lists of electors for each of them.

Candidates have the right to object on the decrees of the Muhafez to the Minister of the Interior, and on the decrees of the Qaimmaqam to the Muhafez.

In a small Qadha which is not subdivided into Nahiyas, polling centers shall be established in its villages in proportion to electors, as specified above.

Art. 34. Polling centers, in the headquarters of each Muhafazat, Qadha and Nahiya, shall be supervised by a committee composed of three persons: the chairman, who will be nominated by the Muhafez or Qaimmaqam, the Mukhtar, a member and another member to be chosen from the municipal council, or the Qadha council or officials council. Judges, their aides and teachers shall be given preference to others. The members of these electoral committees shall swear to the justice of the peace to deliver their task in honesty, equity and absolute neutrality.

If a member of the committee is absent, its chairman chooses from the electors a new member. If all the committee is absent, the Muhafez or the Qaimmaqam must proceed immediately to nominate another committee, and its newly appointed members shall be sworn in by the highest administrative chief in the region.

Art. 35. There ought not to exist between the chairman of the committee or anyone of its members on the one hand and a candidate of the electoral district on the other, a kinship below the fourth degree.

Art. 36. The chairman of the committee shall ensure the maintenance of order. He shall have judicial authority within the polling center and may seek the assistance of security forces when necessary. The Muhafez or Qaimmaqam has the right to inspect the elections.

Art. 37. Every candidate, or one who represents him by virtue of a signed letter legalized by the Muhafez or Qaimmaqam, is entitled to attend and watch the voting operation and counting of votes. Nobody else has this right.

Art. 38. Voting begins at 7:00 A.M. and ends at 7:00 P.M. if

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voters cease to arrive. Otherwise voting will go on, but not later than 10:00 P.M. under any circumstances. 666 646

Art. 39. If the total number of electors in all polling centers of one electoral district reaches 60 per cent, voting in that district is considered completed; if not, the voting boxes shall be sealed by the seal of the electoral committee and the representatives of candidates; the latter, along with security officers, will guard the voting boxes.

Next day the boxes will be unsealed at 7:00 A.M. in the presence of the electoral committee and the representatives of candidates. Voting will be resumed till 4:00 P.M. and the number of electors who so far have exercised their right to vote will be considered enough.

Art. 40. Each elector comes to the polling center where his name is registered. The chairman of the electoral committee verifies the elector's name from the electoral register and from his identity card. Thereafter the chairman signs the identity card of the elector and gives him a white paper carrying the seal of the Muhafazat or Qadha, upon which the elector writes the names of the candidates for whom he is voting. If an elector is illiterate, he shall employ a member of the committee to write for him under the supervision of the chairman of the committee, and he himself casts the paper in the voting box. Thereupon, the chairman checks his name on the register.

Contrary to the ruling of the previous paragraph, officials outside their electoral district can vote in the polling center of the seat of their offices; similarly, members of an electoral committee can vote in the polling center to which they have been assigned. In both cases, the names of these electors ought to be added to the electoral register of the center where they vote, as specified in the previous paragraph.

Art. 41. The voting paper shall contain on one of its two pages the names of candidates as they appear in the receipts of acknowledgement for candidacy described in Article 27 hereof.

Art. 42. Voting shall take place on the basis of the list of candidates. The elector must choose a number of them equal to the number of seats in the electoral district, as limited in the decree mentioned in Article 6 hereof.

Art. 43. When voting is completed, the electoral committee shall count the voting papers publicly without reading them. If there

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found that the number of the papers is 5 per cent more or less than those who actually voted, election in that center shall not be considered valid and shall be repeated the next day.

If there be found that the excess is below 5 per cent, a number of voting papers proportionate to this excess must be withdrawn without reading the contents.

No deficiency will, however, be taken into consideration if it is below 5 per cent of the total number of electors noted in the register as having voted.

Art. 44. Voting papers that are empty, absolutely illegible or do not carry the seal of the committee shall be considered void and cannot be included in the total of votes. They must, nevertheless, be attached to the minutes.

If a voting paper shall contain more names of candidates than is decided by the decree fixing the number of deputies, the excess shall be cancelled from the bottom of the list in proportion to each category in the electoral district.[1]

If the voting paper shall contain less names of candidates than is required, it shall be considered in favor of those voted for. If any lists contain the name of a non-candidate, this name shall be disregarded only; and if the same name be written more than once, it shall be reckoned once only. In either case the voting paper is valid.

The voting papers which do not state clearly the name of a candidate, but contain enough indications to remove any ambiguity, shall be considered valid.

Art. 45. The electoral committee shall render judgement on all objections submitted to it with regard to the voting operations.

The decisions of the electoral committees can be appealed to the central electoral committee which gives a final judgment. Such objections shall not cause a delay in the progress of elections.

If the central electoral committee decides that election in one of the polling centers is not valid because it violates the rules of this law, the Minister of the Interior shall issue an order fixing a date for reelections in that center.

[1] In one electoral district there might be Moslem and non-Moslem candidates. If, for instance, the required number of deputies in one electoral district is 3 for Moslems and 2 for non-Moslems and the voting paper contains names of 5 Moslem candidates and 3 non-Moslems, the chairman of the Electoral committee must cancel the last two names of Moslems and the last name of non-Moslems [*Translator's note*].

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Art. 46. The counting of votes shall take place continuously in the polling center. Results shall be declared publicly. Then the electoral committees shall draw up statements recording in particular the names of candidates, the number of votes which every one of them obtained, and the decisions and measures taken during the elections. These will be referred immediately to the central electoral committe of the electoral district.

Art. 47. In the Muhafazat this committee is to be composed of the Muhafez as chairman, the attorney general and two judges as members; in the Qadha, the Qaimmaqam as chairman, the justice of the peace and a member of the municipal council as two members.

Art. 48. Upon receipt of the statements from all polling centers, the central committee immediately meets; its task shall be to add the results in the presence of candidates or their representatives, to draw up a comprehensive statement, to declare those final results and to submit a copy of its statement to the Minister of the Interior.

Art. 49. Candidates shall be classified according to the number of valid votes which they obtain. The candidate who obtains more votes than others, provided that the number of those votes is not less than 40 per cent of the valid votes cast, shall be considered successful.

If one seat or more remain vacant, elections shall be repeated one week later among the candidates who received more than 10 per cent from the total of valid votes cast. The candidate who this time receives a majority of votes shall be considered successful.

Art. 50. If two candidates receive an equal number of votes, the decision shall be by lot.

Art. 51. If the number of candidates in one district does not exceed the number of deputies which are to be elected for that district, no voting takes place and the candidates shall be elected.

Art. 52. The final results shall be announced by a decree, as they were recorded in the statements, within three days at most after the Minister of the Interior has received all the records of elections.

Art. 53. The validity of elections shall be decided upon by a special appellate court presided by the first judge of the higher court of appeal or any one who takes his place, and composed of four other judges following him in grade as members, together with three

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deputies elected from the parliament by secret ballot and on whose elections no objections exist.

Art. 54. The president of parliament shall call this special court to meet as soon as the three deputies, who are to be members of this court, have been elected. The court then investigates all charges laid against elections of deputies within three months at most of their submission. This court shall have all authority necessary for its action, and its decisions shall be irrevocable.

Chapter V

Crimes connected with elections

Art. 55. Persons committing crimes because of elections shall be prosecuted according to Articles 319-324 of the Criminal Law.

Art. 56. Every person who has been asked to cooperate in one body, or requested to help in the execution of electoral operations and refuses to cooperate shall be punished in accordance with Article 756 of the Criminal Law.

Chapter VI

Transitory and final provisions

Art. 57. Contrary to the stipulations of Article 24 hereof, the presidents, the advisers, the members and attorney generals of the higher court of appeal, the *"conseil d'état,"* and the Auditing Board who have been prevented from exercising their right to candidacy in accordance with this law, can, nevertheless, enjoy this right if they resign their offices one week after its publication. This exception to Article 24 shall be effective only during the first electoral session which follows the publication of this law.

Art. 58. The present electoral registers shall be modified in accordance with this law.

Art. 59. The Minister of the Interior shall issue all decisions and instructions necessary for the execution of this law.

Art. 60. All previous texts contrary to this law and, in particular, the previous electoral Law No. 325 of May 21, 1947, and its modifications,[1] shall be considered void.

Art. 61. This law is to be published and communicated to all concerned for execution.

[1] See above, p. 434, n. 1.